IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6045 OF 2006

M/s.Jyoti Krishi Udyog Pvt.Ltd. .. Petitioner
Versus
Special Recovery Officer & Ors. .. Respondents

Mr.A.V.Anturkar i/b. S.S.Salunkhe for petitioner
Mr.K.V.Tembe for respondent No.2

CORAM : S.C.DHARMADHIKARI, J.
DATE : 29th November 2007

P.C.

. The revisional application having been rejected by Divisional Joint Registrar, C.S.Pune, the petitioner has filed this petition. The matter was heard for some time and both sides now do not dispute that the properties which are subject matter of attachment and sale are movables and not immovable properties. In such circumstances, the revision application could not have been dealt with and disposed of on the basis

that Rule 107(14) of the M.C.S. Rules, 1961 govern the controversy. The Revision application, therefore, must be restored to file after setting aside the impugned orders.

2. By consent of both sides, revision application is restored to the file of Divisional Joint Registrar by setting aside and quashing the impugned order. The Divisional Joint Registrar shall now deal with these revision applications on their own merits and in accordance with law and on the basis that what is in dispute before the Divisional Joint Registrar is the auction of moveables. Rule is made absolute accordingly. C.A. is also disposed of in the light of disposal of the petition.

(S.C.Dharmadhikari, J)